IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Bail Appl..No. 1360 of 2007()

CMP.370/2007 of DISTRICT COURT, PALAKKAD

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C.R.NO.3/07 OF PATTAMBI EXCISE RANGE

: PETITIONERS:

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1. SUDHAKARAN, AGED 35 YEARS,
S/O.VELUKUTTY, NARUKKANCHIRA HOUSE,
VEERAMANGALAM, THRIKKADEERI,
OTTAPPALAM TALUK.

2. T.V. HARIDASAN, AGED 40 YEARS,
S/O.GOVINDA WARRIER, PUTHEN VARIYATH,
KULUKKALLUR, OTTAPPALAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR, PATTAMBI EXCISE RANGE,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1360 OF 2007

Dated this the 7th day of March, 2007

O R D E R

Petitioners, who are the licensee and the salesman of a toddy shop and accused Nos.1 and 2 in C.R.No.3/2007 of Pattambi Excise Range for an offence punishable under section 57A(3) of the Abkari Act, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that on 28.9.2006 the sample of toddy drawn from the toddy shop conducted by the petitioners was found to contain Diazepam, a psychotropic substance.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer namely, Excise Inspector, Pattambi for interrogation and then to have their applications for regular bail considered by the Magistrate concerned. Accordingly, the petitioners are directed to surrender before the Excise Inspector, Pattambi on any day between 13.3.2007 and 15.3.2007 for the purpose of interrogation. The petitioners shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the applications, if any, filed by the petitioners for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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